

FILED '09 JAN 15 15:34 USDJ-OR

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JERRY O. HARDAWAY, )  
)  
Petitioner, )  
)  
v. )  
)  
AJ SANTOS, Superintendent, Eastern )  
Oregon Correctional Institution, )  
)  
Respondent. )  
\_\_\_\_\_ )

Civil Case No. 06-1208-AC

O R D E R

Thomas J. Hester  
Assistant Federal Public Defender  
101 SW Main Street, Suite 1700  
Portland, Oregon 97204

Attorney for Petitioner

Hardy Myers  
Attorney General  
Mark D. Lay  
Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, Oregon 97301

Attorneys for Respondent


KING, Judge:

The Honorable John V. Acosta, United States Magistrate Judge, filed Findings and Recommendation on December 30, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation (#35).

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is denied.

DATED this 15<sup>TH</sup> day of January, 2009.

  
\_\_\_\_\_  
GARR M. KING  
United States District Judge